

FINAL



WEARE BOARD OF SELECTMEN  
MEETING MINUTES  
September 20, 2010

**PRESENT:** TOM CLOW, CHAIRMAN; RICHARD W. BUTT, VICE CHAIRMAN; KEITH R. LACASSE, SELECTMAN

**RECORDING SECRETARY:** Cherry Palmisano

**GUESTS:** Betty Straw, Sherry Burdick, Ruth Jones, Rad Betts, George Malette

**7:38 p.m. Chairman Clow called the meeting to order.**

**COMMITTEE ITEMS – Mildred Hall Advisory Committee Proposal Discussion** – Ms. Betty Straw said that she sent a letter to Chairman Clow on behalf of the Weare Historical Society. Ms. Straw said that in 2004 Mildred Hall bequeathed her estate to the Town of Weare. The will of Mildred Hall states that the Selectmen would appoint a committee to identify projects that would improve and assist the Town of Weare. This fund is known as the Charles and Ethel Eastman Fund. For the passed five years the committee has met and recommended projects to the Selectmen for funding. It is the committee's opinion that any project recommended should provide a permanent benefit to the Town of Weare. The committee has funded easements and land protection funds. It does not state that the fund be held in perpetuity. Ms. Straw said that several months ago the committee voted to set aside \$600,000 of the bequest to be invested by the Trustees of the Trust Fund with the goal of retaining that amount as a semi-permanent fund. Ms. Straw stated that the only entity with the legal authority to change the purpose of a charitable trust is the Probate Court with the approval of the Attorney General. The Committee recommends the Board of Selectmen and the Trustees of Trust Funds file a petition with the probate court asking the Judge to issue an order classifying \$600,000 of the Mildred Hall bequest as "permanently restricted." This court order ensures the Eastman Fund will be of perpetual duration and will provide benefits to the citizens of the Town of Weare forever. The petition and all related costs for the petition will come from the fund.

Vice Chairman Butt commented on the committee stating that any project recommended should provide a permanent benefit to the Town of Weare. He said that is the committee's opinion, but he does not see anything in the will where it states permanent benefit, which he feels refers to land.

Ms. Straw said it is true that up to date the committee has only expended funds on land, but they are not limited to. They are always trying to think of things that will benefit the town.

Chairman Clow said that whether or not there is permanent stated in the will, the committee has chosen projects that will be a permanent benefit to the Town of Weare. Chairman Clow said if the committee continues with that usage, they won't be saving the money, but will be providing the citizens with a permanent benefit. Chairman Clow said he is not sure if he is supportive of creating the permanently restricted fund.

Vice Chairman Butt said the town has not met their obligation for a memorial for Charles and Ethel Eastman. He feels that the rock at the property location of the easement is not a suitable monument. He would prefer to see something near the center of town that is permanent or a plaque on the Town Hall that describes the gift and what has been accomplished because of the gift. He feels that either suggestion could meet the obligation stated in the will and hopes the committee would be agreeable.

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Ms. Straw said originally they had a rock that was more visible to the general public in mind which would have the history of Mildred's gift and the history of the Eastman Family. She said the feeling of the group was that if this money was set aside in a more permanent fashion then the interest could be used for years to come. They have spent a good principle of the fund on the land.

Vice Chairman Butt would not like to see that restriction put on the fund and said he is not sure how much they would be getting in interest.

Selectman Lacasse said that the fund would be permanent and put a permanent restriction on a chunk of principle. He stated that every time they want to spend the money they would discuss the source of the funds which would a suitable memorial.

Vice Chairman Butt said the purpose of the trust was to improve and assist the Town of Weare; he is not sure what they could do that with the limited interest as far as anything permanent. He feels it is more important to have that money on hand if needed, because if the time is right to make a purchase the money needs to be available.

Ms. Straw commented on the Sawyer Fund earning \$5,300 of interest this year. Based on the \$800,000 principle on the Charles and Ethel Eastman Fund there was \$12,548 earned in interest for six months.

Vice Chairman Butt asked if the committee is concerned with a new group getting involved and spending that fund down.

Ms. Sherry Burdick said they don't know who the Selectmen will be in five years.

Ms. Ruth Jones said as far as recognition it is published annually in the town report, people will always know where that property came from. She would not like to see any memorial put up in the center of town until they know what the real center of town will be.

Chairman Clow said he was not thinking of the importance of recognition, but the properties and that the money was well spent. Chairman Clow stated that he is uncomfortable with making a decision tonight. He feels this is an important decision and he would like to table the decision until all five Board members are present.

Mr. Straw said they also want an opinion from the Trustees of the Trust Funds and they have not heard from them as of yet.

Chairman Clow said that John McCausland spoke with him and felt that the Trustees should pass a recommendation down to the Selectmen; there is some mention in the minutes from last Tuesday's meeting. Their feeling is they are the Trustees of the Trust Fund, but not the one's to make the decision, it should be the Selectmen.

Mr. Rad Betts said they were looking for an opinion from the Trustees. He asked the Selectmen if there is any amount of money they would look to put into a fund.

Vice Chairman Butt said there is no amount that he would suggest to put into reserve. He said that you cannot plan for something several years from now, it is best to have the money available if needed, and the money is currently earning interest. Vice Chairman Butt is not sure if the perpetuity is the problem or if the committee is concerned more with a group of people getting involved and not spending the money on something permanent. He does feel this is a valid concern, but feels the Historical Society and the Selectmen would help preserve the fund.

Selectman Lacasse said that his opinion would not change based on the amount being reserved.

Ms. Ruth Jones said to keep in mind that the interest to work with is on the \$600,000 and can be spent on whatever projects they would be interested in.

Chairman Clow said it could produce \$30,000 per year if interest were five percent. He said that the money is currently earning interest as it would with a permanent restriction. Chairman Clow would like to put this discussion back on the agenda when all Board members are present.

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Ms. Sherry Burdick said she is not on the Building Committee anymore, but is concerned with nothing going on at Clinton Grove for the entire summer. She thinks they need to get the bell tower out to bid and get something going on the project before the winter.

Chairman Clow said that the invitation to bid proposal, made up by Sherry Burdick, discusses copper. Ms. Burdick said it is tin, but they can no longer find tin. She said that a copper roof will last 100 years and a metal roof will only last 50 years. There is not much square footage. There is a bell in the tower and it is structurally sound.

Vice Chairman Butt commented on the estimate of \$10,000. Ms. Burdick thinks it should be under \$10,000 to replace the roof, make sure any rotten boards are replaced, and ensure that where the roof and bell tower meet it will be water tight. Ms. Burdick said they are just discussing the bell tower roof and if it is rotten, it will need to be replaced. They will not have to remove the tower to do the repairs.

Vice Chairman Butt said that since the Building Committee has only held two meetings all year, they should not wait for the Building Committee and should go out to bid. He feels that the money should come out of the Mildred Hall fund, and said that he would not approve the project if the funds were coming out of the Capital Reserve Fund.

Ms. Burdick said she ran the bid specifications through Don Burke and local builders. Selectman Lacasse said he is not questioning the material but the invitation to bid because the bid will specify a copper roof. He asked why the roof couldn't be shingled. Ms. Burdick said the building is on the state register, it was metal and they prefer that they use a similar item. Selectman Lacasse feels the roof replacement is to protect the building and commented that there is no use planned or expected in the next ten to twenty years. Ms. Burdick said if they put cedar on it will only last ten to twenty years, 90% of the bill will be for labor and the material would be a very small portion. Selectman Lacasse said that he was thinking fiberglass shingles to just seal it up and restore it. Ms. Burdick thinks a good portion of the project will be labor, if they can put the metal roof back on instead of shingles and have it last 100 years and only cost a few hundred dollars more, they should. Selectman Lacasse feels the base work is labor, but does not think it would be difficult for contractors to give prices on different materials.

Vice Chairman Butt said that he does not want this to drag out for months and commented on getting quotes on several different materials would delay the project.

Chairman Clow said that he would support the copper being used.

Ms. Burdick said they are discussing a 5x5 foot area.

It was discussed that this project will go out to bid for thirty days.

Ms. Burdick said that she can meet with anyone who would like to see the building before submitting their bid.

Vice Chairman Butt said the Historical Society is interested in restoring the building, but also wants to make the building usable. Ms. Burdick said they would like to be able to hold functions to bring money in.

Selectman Lacasse asked about the stipulation that Vice Chairman Butt discussed. Vice Chairman Butt said the determination of funding comes from the Selectmen. He said they can go through the process first and then make the determination for funding. Chairman Clow said there are two separate funds, one in the amount of \$50,000 for Clinton Grove Academy and one in the amount of \$50,000 for the preservation of the Town Hall. Ms. Straw said they have no say as to spending from those two funds.

Chairman Clow said they have different opinions on roofing material to put in the bid. Ms. Burdick said they need five square feet of roofing material. Vice Chairman Butt said if it is not going to add to the timeframe they should go with metal roofing and not add time by asking for alternatives. He would like to see the bid out by the end of the week.

**Chairman Clow moved, Vice Chairman Butt seconded to put out bids for the reroofing project of the Clinton Grove Academy Bell Tower. Passed 3-0-0**

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### MANIFESTS

**Chairman Clow moved, Vice Chairman Butt seconded, to authorize the Board of Selectmen to sign Manifest and order the Deputy Treasurer to sign checks dated September 23, 2010. Passed 3-0-0**

Accounts payable	\$280,456.72	(\$250,000 John Stark)
	\$673.00	
Gross Payrolls	<u>\$45,331.73</u>	(Includes Taxes, Credit Union, and Police Detail)
Total	\$326,461.45	

Vice Chairman Butt said he noticed a bill for Comcast, and commented on the Highway Department using Granite State internet. Naomi Bolton, Town Administrator, said her understanding was that the computer that does inspections at the Highway Department was through Granite State. She said that she did not know about Comcast and that all other departments use Granite State. Naomi Bolton, Town Administrator, said there has always been cable television at the Highway Department because the Weather Channel was always on; there is no charge for the cable television. Vice Chairman Butt said it looks like it has been in effect for two months. Naomi Bolton, Town Administrator, will inquire about the issue because she was under the understanding they were all using DSL through Granite State.

### MEETING MINUTES

**Vice Chairman Butt moved, Selectman Lacasse seconded to approve the minutes of September 13, 2010 as amended. Passed 3-0-0**

**ADMINISTRATIVE REPORT** – Naomi Bolton, Town Administrator, said she cannot present the bulk of her report because she hasn't been able to speak with Chief Begin, who is at a DARE Conference.

Naomi Bolton, Town Administrator, said that in putting together the job description for the tax collector, she came across a job description that combined the tax collector and tax assessor positions. Vice Chairman Butt said they should advertise for full time assessing and tax collecting. Naomi Bolton, Town Administrator, said some people have already inquired. Vice Chairman Butt said he feels they will get a lot of applicants.

**CORRESPONDENCE** – Selectman Lacasse said that the Building Committee met and discussed the Fire Marshall's Report and breaking out some of the items on the list that still have not been done. They pulled out and categorized items and will not do them all because some of them will negate others. Selectman Lacasse's opinion of the work is that it is complicated enough, the expertise is not present, and the Board should invest in professional services for someone to prepare professional bid specs for installing a sprinkler system.

Vice Chairman Butt asked how they determined what was done and not done. Naomi Bolton, Town Administrator, said that a list was generated from the Fire Marshall's list. She said there was electrical and labeling work done downstairs and in the cable room. There was also a lot of work in the electrical utility room and it was sheet rocked, although the door was not replaced, which would have made the room fire proof. Selectman Lacasse said there are lots of doors on the list and he does not think they can set out a bid specifying fire doors because of all the different possibilities. A specification would need to be written that includes the door size, rating, hardware, and frame. Vice Chairman Butt is concerned with having to go through another process. Selectman Lacasse said if they don't have a professional bid spec then they would not be able to compare apples to apples. Selectman Lacasse said to get it all done in a timely manner they would probably want to hire a general contractor.

Naomi Bolton, Town Administrator, said that she understands if they were to install sprinklers than a lot of the other things on the list would not have to be done. Vice Chairman Butt said they need to know whether they are going to install sprinklers or modify the building so they don't need the sprinklers. Selectman Lacasse guesses it would cost less to do the other things on the list rather than sprinklers. It was discussed that the Town Office Building did not have the water capacity for the sprinkler system. Vice Chairman Butt said the water tank excavation could be done with town employees.

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It was discussed that a decision needs to be made but the Board needs data to be able to make a decision. Vice Chairman Butt said if it is cost prohibitive to do a sprinkler system, then he agrees to have someone come in and do drawings on a different approach. Chairman Clow said Selectman Lacasse said if they rule out the sprinkler system then they will get someone to draw an all inclusive spec and have a company come in and just do the work. Chairman Clow said that he agrees, as far as the steps and the process. Chairman Clow said if they find that the sprinkler system is something they can afford, before they go ahead and do it, he would like to see someone sit down with the Fire Marshall to see what does not need to be done on the list.

George Malette, Building Committee Chairman, informed the Board that items 2 and 9 would have to be completed whether there was a sprinkler system or not. Items 7-17 refer to weatherization. Mr. Malette said he is not sure if they need to have a secondary means of egress for item 21, because he is not sure on the amount of people in the room. The Board will need to make a decision if the food pantry closet referred to in item 15 is a necessary need for the town; if there is a practical use then it needs to be sheet rocked, if there is no practical use they might need to take the wall down. Vice Chairman Butt feels even if some items can be done without the sprinkler system, he feels they need to look at usage. He feels they should do as Selectman Lacasse suggested and go through the effort to find out the cost and get the work done if they can afford it. Vice Chairman Butt said they are under no pressure to get anything done, and should wait for the bid on the sprinkler system.

The Board will hold this discussion again on Monday, October 18th.

**PUBLIC COMMENT** – Mr. George Malette said they may want to have a back up plan. He also commented that it was sad that Sherry Burdick resigned from the Building Committee because they are unable to make a quorum, because they could have moved forward on the bid specifications.

**OTHER BUSINESS** – Chairman Clow told the Board that a Board of Fire Wards member spoke with him last Tuesday and was surprised that the presentation of dispatch was made to the Selectmen before the Board of Fire Wards. Chairman Clow said that he informed the Board of Fire Wards member that the presentation was just for pricing, but if any change was to be made it would go through the Board of Fire Wards. Chairman Clow said the Board of Fire Wards would have to evaluate the services.

**CORRESPONDENCE** – Selectman Lacasse asked the Board members if they received the email from a citizen that was not allowed to vote in the primary. Naomi Bolton, Town Administrator, said this citizen has been having this problem for three years. Chairman Clow said he understood that the citizen was not registered in a certain party. Vice Chairman Butt would like to know the answer as to why this was not resolved.

Chairman Clow told the Board that the Town Administrator held a meeting with the Treasurer and Finance Administrator today to resolve the transfer of funds issue (vouchers). He said that the issue was communication and there really were two different figures and they did not match.

Chairman Clow said there has been discussion about the Deliberative Session minutes regarding the article passed involving the \$90,000 and where it goes. Selectman Lacasse said that he thought all the money goes into the Special Revenue Fund and then \$90,000 is taken out and put into the Capital Reserve Fund. It was discussed that the legal opinion was that the first \$90,000 goes into the Revolving Fund, anything over that goes into the Special Revenue Fund, and anything else needs a vote. Chairman Clow said it needs to be clarified.

Vice Chairman Butt would like a warrant article to require that any money being expended from the Eastman Fund would require a public hearing. Vice Chairman Butt said these funds are not widely known but a lot of people in town and he would like to get public input and make the public more aware of how money is being spent. Chairman Clow asked about ramifications regarding other funds. Vice Chairman Butt said it would be for this specific fund and funds that the BOS is authorized to expend and have responsibility for.

Naomi Bolton, Town Administrator, said she has been waiting to be able to have a discussion with Chief Begin regarding the K-9. Chairman Clow asked if once this money is collected should it become a public fund.

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Selectman Lacasse said he thought there were RSA's to set up funds. Chairman Clow said that he wants it to comply with how those funds are handled.

### **ADJOURNMENT**

**Selectman Lacasse moved, Vice Chairman Butt seconded to adjourn at 9:25 p.m. Passed 4-0-0**

A True Record.

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Cherry Palmisano, Recording Secretary